IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1609 OF 2004

Ansari Shahin Mohamed Yakub .. Petitioner
V/s
Bombay Municipal Corporation & Anr. .. Respondents

Mr.M.P.Vashi for the Petitioner.
Mrs.N.V.Sanglikar for the Respondents.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 06.04.2005.

P.C.:

1. Petitioner was one of those candidates selected pursuant to the interviews held by the Respondent Corporation in the year 2000. The Corporation, however, made no appointments based on the select list prepared on the ground of financial stringencies. The Corporation thereafter issued a fresh advertisement, pursuant to which, the applications were received including some from those who had been selected pursuant to the interviews held in the year 2000. Thereafter, appointment letters have been given to some of those who have been selected.

2. The case of the petitioner is that she ought to have been appointed considering the select list of 2000. Selection does not confer the right on the candidate to be issued the letter of appointment. All that happens is that if the appointing authority decides to appoint then must make the appointment in terms of the select

list. The second situation can be, if some of the candidates from the select list are appointed and other are not appointed, then in such a situation, the Court can call upon the appointing authority to disclose the reasons as to why some are excluded. In the instant case, no appointments were made from the select list of 2000. It cannot therefore be said that the Respondents have violated the provisions of Articles 14 or 16 of the Constitution of India. Considering the above, the grievance of the petitioner really cannot be entertained.

3. Considering the fact that the petitioner had appeared earlier and was expecting to be appointed and now she is aged about 37 years, if any fresh advertisements are issued within a period of two years for filling in the vacancies of Urdu Teachers, then, in the special facts and circumstances of this case, the petitioner’s application may be considered by ignoring her age bar.

4. With the above observations, the petition stands disposed of. However, with no order as to costs.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)